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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 DANIEL K. WAHL,

10 Plaintiff,

11 v.

12 MICHAEL J. ASTRUE, Commissioner of
Social Security,

13 Defendant.
14

Case No. C10-5934-RSL-JPD

REPORT AND RECOMMENDATION

15 Plaintiff brought this action to seek judicial review of the denial of his application for
16 disability benefits by the Commissioner of the Social Security Administration. Dkt. 1. The
17 parties have stipulated that this case should be reversed and remanded for further administrative
18 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 27.


19 Based on the stipulation of the parties, the Court recommends that this case be
20 REVERSED and REMANDED for further administrative proceedings. Specifically, the Appeals
21 Council shall remand the case to an Administrative Law Judge (“ALJ”) for a de novo hearing,
22 and the ALJ shall issue a new decision. Upon remand, the ALJ will further assess the treating
23 source opinion of Alan J. Wilensky, M.D., including the physician’s estimate that the claimant
24 could be absent from work more than four days per month due to his impairments or treatment.

1 Based on the results of this assessment, the ALJ may need to further evaluate plaintiff's residual
2 functional capacity assessment and plaintiff's ability to perform his past relevant work or other
3 work in the national economy. If necessary, the ALJ will obtain supplemental evidence from a
4 vocational expert.

5 Upon proper application, plaintiff shall be eligible for attorney fees and expenses under
6 the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

7 A proposed order accompanies this Report and Recommendation.

8 DATED this 6th day of October, 2011.

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10 JAMES P. DONOHUE
11 United States Magistrate Judge
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